IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 31734 of 2006(C)

PETITIONERS:

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1. C.A.ROCKY, S/O.ANTHONY,
   U.D.CLERK (HG), FOOD CRAFT INSTITUTE,
   KALAMASSERY (CHUNDANAI HOUSE, VENGOOR,
   KIDANGOOR P.O., ANGAMALY).

2. P. SUDHAKARAN, S/O.PARAMESWARAN PILLAI,
   OFFICE SUPDT. CUM ACCOUNTANT,
   FOOD CRAFT INSTITUTE, THIRUVANANTHAPURAM.

3. M.PATHROSE,
   LAB ATTENDANT, FOOD CRAFT INSTITUTE,
   KUMARANALLOOR, KOTTAYAM.

4. C.USHA DEVI,
   U.D.CLERK (HG), FOOD CRAFT INSTITUTE,
   KALAMASSERY.

5. P.C.GEORGEKUTTY,
   PRINCIPAL, FOOD CRAFT INSTITUTE,
   KUMARANALLOOR, KOTTAYAM.

BY ADV. SRI.WILSON URMESE
SRI.M.C.ANTONY

RESPONDENTS:

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1. STATE OF KERALA,
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   TOURISM DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DIRECTOR,
   TOURISM DEPARTMENT,
   THIRUVANANTHAPURAM.

3. THE FOOD CRAFT INSTITUTE (KERALA)
   SOCIETY, KALAMASSERY, ALUVA-683 104,
   REPRESENTED BY ITS SECRETARY.

BY GOVT. PLEADER MR. BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 31734 OF 2006

Dated this the 15th December, 2006.

JUDGMENT

The petitioners are working as Office Superintendent cum Accountant, Lab Attendant, U.D.Clerk (Higher Grade) and Principal of the third respondent institute. The petitioners submit that they are entitled to continue in service up to the age of 58 years and they apprehend termination of their service on attaining the age of 55 years.

2. It appears that the claim thus made by the petitioners is not founded on any statutory rule or the conditions of service applicable to the petitioners. The grounds raised in the writ petition would show that as far as the employees in other public limited companies are concerned, the retirement age is 58 years, and therefore, the petitioners shall also be treated similarly.

3. The petitioners have filed representations before the first respondent. Ext.P5 is the representation of the fifth petitioner who is the Principal of the third respondent institute. One of the contentions raised in the representation is that unless the petitioners are allowed to continue in service upto the age of 58 years, they will not be able to avail the full benefits under the pension

scheme.

4. Heard both sides. The above request of the petitioners is primarily a matter for the first respondent to consider and take appropriate decision. Hence there shall be an order directing the first respondent to pass orders on Ext.P5 after taking into consideration relevant aspects. This shall be done as expeditiously as possible, in any event, within two months on the fifth petitioner producing a copy of the judgment along with a copy of the writ petition. The claim for service pension also shall be considered by the first respondent. If supplementary representations are filed by the other petitioners, that all shall be taken into consideration by the first respondent. The writ petition is disposed of accordingly.

K.K.DENESAN
Judge

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